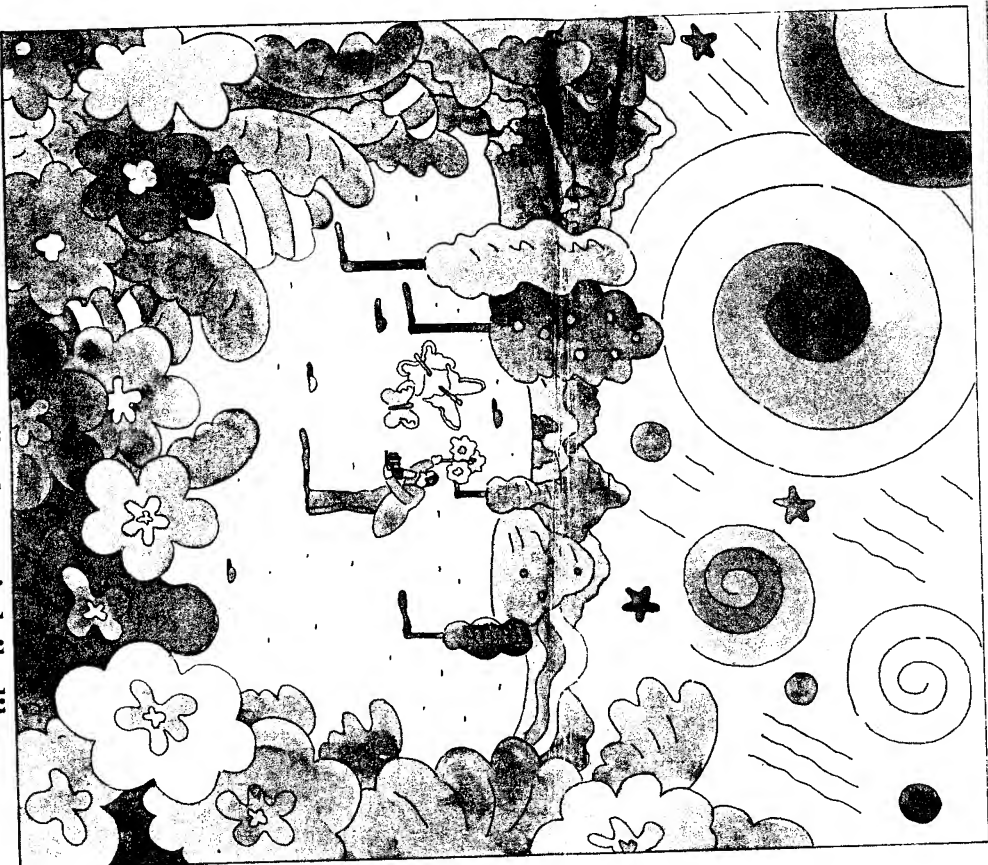


The Boston Globe Magazine

October 11, 1981

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Courting two masters: The lawyer's daily dilemma
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“Of the five, the weakest case is against her and, well, it’s been so long, who’d want to prosecute her?” says the attorney who handled the case.

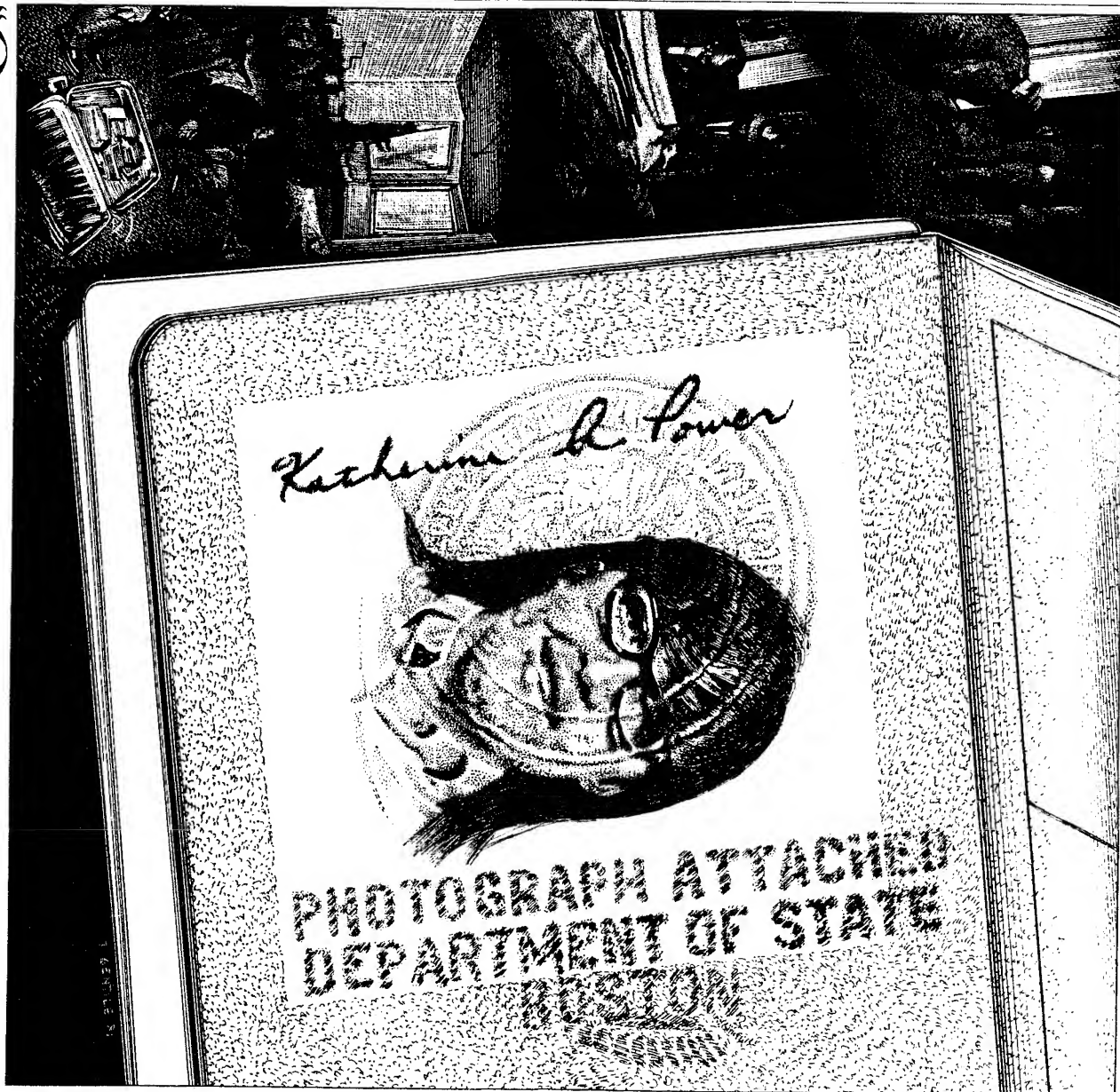


Illustration by John Gantile

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THE LONG FLIGHT OF KATHY POWER

For eleven years, since that autumn day when a policeman died during a bank robbery she helped execute, Katherine Ann Power has been a fugitive from justice. Today, there are questions about just what penalties the radical feminist would face if she resurfaced.

By Arthur L. Jones

She comes from a deeply religious background, steeped in the Catholic doctrine. She began to go wrong, her family believes, on the campus of "that school in Boston." The official police line is that she went wrong when she and her accomplices knocked off that bank in Brighton. A Boston cop was killed in the process.

In the years since that celebrated bank holdup-murder, her accomplices have all met their fate one way or another, including one violent death.

But Kathy Power has simply gone away, for eleven years a name among a succession of aliases. A wanted person. A militant feminist who must fight her struggles in virtual anonymity. At 32, she is one of the last of the late sixties' radicals still underground, having spent more than one third of her life on the FBI's Ten Most Wanted list. She is now the list's only woman.

At one time, state, federal, and local law enforcement officials hunted for her with a fierce vengeance. Today, many would have to think twice just to remember who she is. Power is hardly the most noted radical of the 1960s hunted by police. Yet not even Abbie Hoffman was ever on the FBI's Most Wanted list.

But out there, possibly near a police station or post office where her picture is posted, Kathy Power lives, probably with no intention of resurfacing, as Hoffman did.

The document announcing attorney John T. Gaffney's admission to practice before the US Supreme Court is framed on his office wall by two large collages. The collages are made up of a series of artists' sketches of the highlights of one of Boston's more controversial murder cases. Gaffney's figure appears in four panels, reminding visitors that this stoic veteran of twenty-nine years in the Suffolk County District Attorney's office prosecuted the defendants in the case.

"That's Lefty Gilday there. He fired the weapon that killed [Officer Walter A.] Schroeder," Gaffney says.

"Over there, in the headband, that's Robert Valeri. He turned state's evidence. And that's Susan Saxe. And here's Stanley Bond. The late Stanley Bond."

As a public prosecutor, Gaffney has tried over two hundred cases, some more celebrated than others, and one of them involving the only Boston police officer ever indicted for murder.

But it is the Schroeder case that is featured on Gaffney's wall. And as he gestures toward the col-

lage, stopping between each panel to give his commentary, it is obvious that one detail, a picture, is missing.

The missing picture is two blocks away, in the office of the FBI on the ninth floor of the JFK Building. There, among nine other not-so-becoming photographs, is the eleven-year-old poster declaring that the FBI does indeed "want" one Katherine A. Power.

This former antiwar, feminist campus activist is so wanted because, authorities allege, she participated in the holdup of the Brighton branch of the State Street Bank on September 23, 1970. At least part of the gang held up the bank, the speculation goes, to keep the revolution strong and alive, to support the "struggle."

The three men, one by one, were captured soon after the robbery and murder. However, it took years and a little bit of luck before officials caught up with Power's friend and alleged lover, Susan Saxe.

In fact, there was nothing routine about the Schroeder case, neither the capture of the suspects nor their trials. Among some of the highlights:

- At midtrial, a jury member was investigated and summarily discharged by the presiding judge.

- An eyewitness to the shooting, in front of judge and jury, identified the wrong person as the killer.

- Three court officers working one of the trials were later accused for falsifying billing receipts and pocketing the taxpayers' money.

- A policeman testified that an informant supplied information in the case but, when asked to produce the witness in court, could not.

There was also a mistrial because of a hung jury, but perhaps the most twisted irony yet to evolve from the Schroeder case involves Power, the remaining link. Though still featured prominently on Most Wanted posters, Kathy Power today may be a fugitive from only halfhearted pursuit.

The once hot interest has cooled over the years to a barely simmering whisper among those who remember her or need the Wanted posters to remind them that there remain outstanding charges against this former Brandeis student. She could, it seems, return to society as herself and go relatively unpunished. If she finally tired of her flight, of being someone other than Katherine Ann Power, she could perhaps change all that.

"Kathy Power?" Gaffney's voice rises slightly. "Hell, she could cut a deal for herself. Of the five, the weakest case is against her and, well, it's been so long, who'd want to prosecute her? Sure, she could cut a good deal for herself."

The weak case notion is based on Gaffney's belief that Power drove the switch car, parked a mile from the holdup scene. Therefore she was nowhere near the shooting of Walter Schroeder. Because of this, she might be charged only with being an acces-

sory to the crime.

In contrast, Saxe, who was identified by witnesses as having been armed and in the bank during the holdup, was charged with murder after her capture in 1975. Her first trial in 1976 ended in a hung jury and mistrial. Just before the second trial was to begin in January 1977, she pleaded guilty to manslaughter and was sentenced to twelve to fourteen years.

In September 1970, the Nixon administration was under persistent attack by a high-flying antiwar movement fueled by the atrocities in My Lai and Kent State and Cambodia. In Boston, gasoline was 35 cents a gallon and the Hancock Tower was half built. Early on a Sunday morning, forty miles north of the city, a national guard armory was bombed and weapons and ammunition were stolen. There were no leads to the bizarre bombing. There were neither suspects nor motive. At the time, it bore little relevance to anything.

On September 23, a well-orchestrated bank holdup took place on Western Avenue in Brighton. A police cruiser arrived just as the bank robbers leave from the rear. Shots rang out from across the street, ambush style, and Officer Walter Schroeder fell, mortally wounded. Suspects scattered in three different getaway cars.

As is routine when a brother goes down in the line of duty, the entire Boston Police Department went into overdrive to solve this ugly and bloody insult to its ranks. Within hours a suspect, Robert Valeri, was captured, and shortly thereafter police knew the names of his accomplices: Susan Edith Saxe, Stanley Bond, William "Lefty" Gilday. And Katherine Ann Power.

"Hello, is this Mrs. Power?" the young reporter asked politely. It was the day after the holdup, and the phone call was placed to Denver, Colorado.

"It is. Who is this?" the mother of six responded curtly, obviously annoyed with this dinner-time interruption.

"This is *The Globe* in Boston. I'm sorry to have to call you at a time like this, but I just wanted to ask..."

"Who is this and what is this about?" she demanded, but growing more curious.

"Boston, ma'am. The holdup... at the bank yesterday. When did you last see Kathy?"

"What are you talking about? Why do you want me?"

"Oh. You haven't heard. You don't know."

"Know what? Just who is this?" she said, her words now coming faster.

The reporter, choosing his words carefully, gradually broke the news to Mrs. Winfield Power that her eldest daughter had been implicated in a major crime.

"There was a bank robbery here yesterday, Mrs. Power, and..."

"So what does that have to do with me?"

"And there was a police officer killed. Your daughter is Kathy Power, correct?"

"Yes. She's in Boston. What are you telling me?"

"She's wanted. Boston police are looking for Kathy in connection with the shooting. She's wanted for murder."

The interrogation of suspect Robert Valeri intensified. All points bulletins were dispatched for the other four, and the leads began to gel into an effective pursuit of Walter Schroeder's slayers. But it was

Continued on page 46

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POWER

Continued from page 12

a reporter who led three Boston detectives to a Beacon Street apartment house. It was the last known address of Katherine Power, one of the two female suspects.

If it were not for the seriousness of the police visit, the experience of the three cops outside her apartment house could be best described as comic. But it only foreshadowed the flawed police exercises inside, a detail that would haunt trial proceedings in the Saxe case years later.

The police first attempted to gain entrance to the building by ringing three different doorbells at random. Three times someone answered, and three times police spoke into the intercom. "Police. Would you buzz us into the building?" And three times they were ignored. One detective then rapped on the first-floor window, behind which a middle-aged man sat reading. The man peered through the shutters at the detective's badge flashed in front of him.



Susan Saxe in a yearbook photograph from Brandeis.

Finally, the police jimmied open a rear door and tipped downstairs to Power's apartment door. Guns drawn, they kicked in the door and flicked on a light. No one was home, but it was not hard to tell that whoever had been there left in a big hurry, leaving behind a tremendous cache

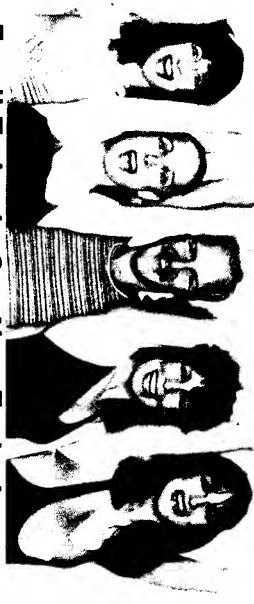
of weapons and ammunition. "Somebody was ready for a war," one cop blurted. Rifles, ammunition boxes, military-type radios, detonators, all in drab green, lay splayed like matchsticks around the tiny studio apartment.

"This is the stuff from the national guard armory heist a few days ago," the reporter told the cops as they stood in the doorway, gapping at the clothes and artillery strewn about.

One of the three detectives was then dispatched to obtain a search warrant while the others sifted through the rubble: under a bed, a box of rifles; on the kitchen table, two boxes of ammunition; on the floor, a green duffel bag marked Company A 101st Engineer Battalion.

An unnamed letter to a friend found in a corner recounted some of Kathy Power's experiences with the Vincennes Brigade, leftist volunteers from the United States welcomed to Cuba by Fidel Castro to assist in the sugarcane harvest. And the sifting went on.

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From an investigator's perspective, much of the evidence found in Power's apartment built strong cases for both the bank job and the armory job. But several years later, during pretrial motions in Susan Saxe's trial, former Superior Court Chief Justice Walter A. McLaughlin ruled the seizure inadmissible because of improper police work.

Police testified before McLaughlin that "an informant" who had seen Power "and another woman in the apartment" told him about the guns. Police could not produce

this informant, the testimony continued, because he died of a drug overdose two years before the trial.

In a forty-page ruling, McLaughlin called the seizure "improper" because police failed to establish probable cause that the weapons and ammunition cited in the warrant affidavit were indeed stolen and thereby subject to seizure. McLaughlin further ruled that police "had no legitimate justification for being on the premises. In reality, the informant did not know to whom the equipment belonged; and it was the police

themselves who ascertained that the articles had been stolen."

The flaw in the police affidavit was first spotted in 1976 by the defense team for Susan Saxe, headed by Nancy Gertner, an attorney in Boston. In retrospect, however, a crime investigator admits that the police were simply "too hasty" in their pursuit of leads and unconsciously disregarded police procedure when first told of the Power apartment. "There has been a whole lot of law since then covering just this kind of thing. In 1970 there just wasn't that much

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law about it," the investigator says.

It may have been mere coincidence that the men implicated in the 1970 hold-up-murder were apprehended within a month of the incident while the two women remained at large for years. But in a more calculated sense, it may be attributable to the women's hard-line feminist political bent, a credo that suggests that sisters in the struggle need unity, cooperation, and, when necessary, silence to sustain the cause.

For when the Power-Saxe trail was still warm, the best intelligence gathered by authorities indicated that the fugitive pair traveled together among a series of women's collectives. In fact, the FBI poster on Power says: "She's active in the women's movement and has generally associated with individuals who have similar interests."

At the peak of the FBI pursuit, the two women were tracked from one women's commune to another from Connecticut to Lexington, Kentucky, and back to Con-

necticut. They moved just far enough ahead of detection, making good friends along the way.

There was security in the feminist network in which they traveled. It was indeed so secure, the faith they had in fellow sisters so well placed, that they seemed nearly immune to capture. And when it came time to move on — sometimes in haste, but more often when they felt the time had come — they left true believers in their wake.

For example, in the summer of 1974, the two women biked peacefully onto the campus of the University of Kentucky. They lived in a women's collective and worked at a health food store as Lena (later alleged to be Saxe) and May (later alleged to be Power). A woman they had befriended later said, "If I lived in Boston, if I were one of [Schroeder's] kids, I'm sure I'd want to see justice done."

But they're different people now. They're not killers, for God's sake."

That kind of support ran deeper than lip service. In

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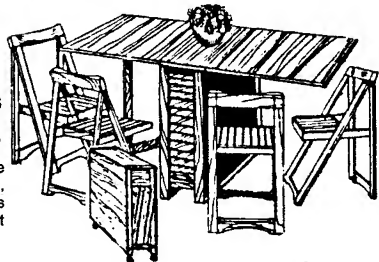
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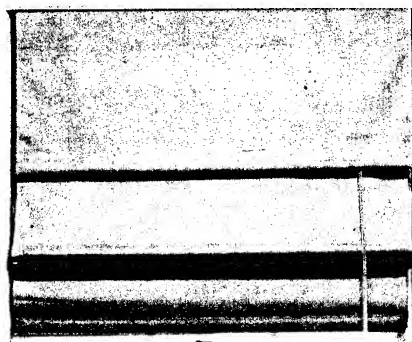
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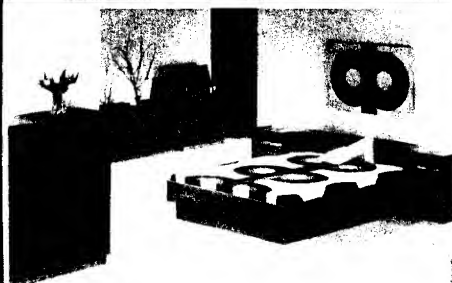
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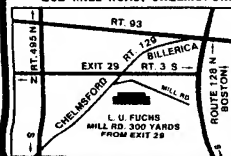
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POWER

Continued from page 48

1976, Jill Raymond, 23, of Lexington, Kentucky, was released from Madison County Jail after spending more than a year there for refusing to testify before a federal grand jury in connection with the FBI investigation of Saxe and Power.

The FBI search for the first four years after the hold-up was serious. Saxe and Power were two of only six women ever to grace the Most Wanted list in its thirty-year history. The FBI ran down leads, told local authorities of each new "sighting," and for about a year featured the two women at the close of each episode of *The FBI*, a television show in the early seventies.

Luck for the sisterly underground ran out in part when Saxe was captured without a struggle in March 1975. She had been seen strolling along a Philadelphia street by a policeman who claimed he had recently seen her photograph. Law enforcement officials soon swooped down on



Bernardine Dohrn, formerly on the FBI's Ten Most Wanted list.

Philadelphia. Saxe was offered deals in return for information about Kathy Power. Then, as today, Saxe said nothing.

Today, serving a twelve-to-fourteen-year sentence at MCI Framingham, Saxe is portrayed as the model prisoner. The strident feminist militancy she brandished in defiance at her capture and her trial has given way to straight-ahead good prison

time. She has taught computer courses repeatedly and voluntarily and done the kinds of things that count as good behavior.

So far, it has done little for her. Her petitions for furlough have fallen on deaf ears. ("If we thought she was going to simply visit her family, it might be okay," said one investigator who, though without final authority, concurred with the official denial of her petition.)

And she flatly refuses to discuss anything about the crime, her accomplices, and particularly Kathy Power. She is, however, eligible for parole on April 28, 1982, a privilege she has summarily declined since she will earn her full release from MCI Framingham on July 29, 1982.

Katherine Ann Power is the eldest daughter of Mr. and Mrs. Winfield Power of Denver. Now 32, Power is still described as short (5 feet) and pudgy (then 150 pounds), though, as criminologists point out, "it is easy for women fugitives to avoid detection, what with paddings,

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wigs, makeup, a whole assortment of disguises."

Since Saxe's capture, there have been few clues to her whereabouts, though some authorities believe she has frequented the Lexington, Kentucky, area again. FBI agents refuse to say whether the new photographs of her on the new Wanted posters were taken from Saxe during her arrest in Philadelphia. However, the graininess of the pictures give these 1974 shots a certain look of surveillance photos.

Well into her second decade on the Ten Most Wanted list (the longest time anyone has been on the list is fourteen years), Power is a mystery. Other radical remnants of the sixties who have been on the list have long since surfaced, such as Angela Davis and Bernardine Dohrn. But unless there is another "stroke of luck" like the one that led to Saxe's capture, Kathy Power may never surface, at least not as Kathy Power.

"Disappearing is an easy thing to do, and it is amazing, the freedom in which [fugitives] move about," said F. Lee Bailey, an attorney in Boston who once defended one of the most celebrated female fugitives in recent history. "Patty Hearst's picture was on the cover of every magazine in the country. Yet she was right under the noses of Daly City [California] authorities, living at the end of the runway flight path, being paraded around by her friends."

Owning false identification, Bailey said, is the key to living an unthreatened life as someone else. "Phony birth certificates are a dime a dozen; with one it is easy to get a Social Security card.

"Makeup is hardly needed. You see, the average person cannot tell you one name on the Most Wanted list. The most notorious fugitive I ever represented was James Carr, one of the biggest commodities dealers in the country. There he was in a high-profile business. And he was an escaped convict from New Jersey!

"No one looks hard. It just is not tough to stay out of sight. Miss Power is a good example of that. And in my experience, the [authorities] do look for cop killers."

Gaffney, the prosecutor of her alleged accomplices, has felt on occasion that Kathy



Susan Saxe is met by reporters in Boston after her capture in Philadelphia in 1975.

Power has been nearby.

But what of her family in Denver? "Sometimes they doubt that she is alive," said Richard O. Campbell, an attorney and friend of the Power family in Denver. "Sure. When you don't hear from someone in so long, you have doubts."

Family members will discuss Kathy only privately. Reporters' inquiries are generally referred to Campbell. "This thing shook up the family, but they have learned to live with it," Campbell said. "They have learned to walk into a post office and avoid the Wanted poster section."

A devout Catholic family, which sent Kathy to a girls' Catholic high school in Colorado, the Powers harbor displeasure and ill feelings toward Brandeis University for what they consider a lack of discipline that led to Kathy's troubles. Nonetheless, her family would embrace her return. "If they could communicate with her today," said Campbell, "they would tell her that they love her and

would be glad to help her. I, too, would do anything to help her, including offering legal help."

If she is alive, Kathy Power could hardly ignore her past. Some of those memories probably thud into her midsection, like the arrest of her friend Susan. Other memories may seem more surreal and still others bring on a big laugh.

One accomplice, Stanley Bond, serving his sentence in Norfolk prison, was killed by a homemade bomb police said he had manufactured to effect an escape. Before he died, however, Bond said that "no one need worry about Kathy and Susan anymore," which led authorities to believe that the two women were dead. Scouring the quarries of Quincy only turned up stolen cars.

Valeri is serving time for several convictions stemming from other crimes.

Lefty Gilday, formerly of Amesbury, is serving a life term in Walpole for gunning down Officer Schroeder.

If they followed it from afar, both Power and Saxe may have had a chuckle or two from Gilday's trial for first-degree murder, which, in part, read like a Hollywood script.

In one sequence, prosecutor John Gaffney, armed with what they call in his business "an airtight case," put an eyewitness to the shooting on the witness stand. He had told the jury that, yes, he did see a man lean from a car and shoot Walter Schroeder.

"And is that man you saw lean from the white car in this courtroom today?"

"Yes."

"Will you point him out?"

Gaffney had managed to get Gilday placed — without handcuffs — in the front row of the spectators' section of the courtroom. He was not hard to find for anyone familiar with him.

The witness rose from the stand and walked over to the railing, in front of Gilday.

"Is that the man?" Gaffney asked.

"Yes."

"Would you put your arm on him, please?"

The witness reached out and placed his arm on a news reporter covering the trial.

It was during the same trial that Gaffney received an anonymous phone call warning him that a woman juror had already announced that she would vote Not Guilty, even before she heard the first piece of testimony. After several days, a couple of motions, and a private session before the judge, the woman was discharged from jury duty.

A few years later, three court officers left their jobs following accusations that they were "padding" jury receipts and allegedly pocketing the taxpayers' money. The Gilday trial was one of those trials which, once the smoke had settled around the padding scandal, caused one Superior Court judge to say that the trio had passed enough phony food bills "to feed the Russian army."

During the last year, a wave of radical fugitives has surfaced, surrendering themselves to authorities with a variety of results. Unlike Power, however, some were wanted for more political crimes, such as Mark Rudd, the campus activist who spearheaded the disturbances at Columbia University in the late sixties.

Abbie Hoffman, the former Yippie leader, returned from over six years on the run, having been cited for his mild-mannered conservationist efforts in New York State. But Hoffman's resurfacing developed into a double-edged sword. With the support of Robert F. Kennedy, Jr., Norman Mailer, and Lauren Bacall, and with Hollywood and interviewers ready to do books and movies of his account of life underground, Hoffman was given a jail sentence stiffer than he had expected, up to three years.

Bernardine Dohrn, 38, who also graced the Ten Most Wanted list, surfaced to face charges stemming from the Days of Rage incident in Chicago in 1968. She had been living a "normal" life, raising a family on Manhattan's Upper West Side, when she came out to meet head-on the charges of assault on a police officer.

Tom Locke, once the head of the FBI's New York Fugitive Squad, said the FBI has

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"given up" on intense searches for radicals. He said the agency spent approximately \$1 million looking for Dorhn during the eleven years she was a fugitive.

Local FBI officials refuse to comment on how much has been spent in the search for Power or whether there is any concerted effort even to find her now. Should she surface in any other state than Massachusetts, she will be under FBI jurisdiction. A Boston reappearance would place her in the hands of local authorities.

In either instance, the case against her would be thin. First, federal charges stemming from the armory bombing would most probably lack the evidence uncovered in her apartment the day after the holdup. Second, the murder charge, used today primarily as leverage in case she surfaces, would be difficult to make stick because she allegedly drove the switch car. An accessory charge is more likely.

And as in Hoffman's case, a Hollywood production house has already filmed interviews for a documentary, called "Still at Large," about her flight.

But after eleven years, Katherine Ann Power, or Priscilla Coe, or Claire Johnson, or Maureen Sheila Kelly, or May Kelly or Jane Pascarella, or whatever her new alias is, may be content with leaving her former life well behind her.

Her Boston apartment has long since been turned into condominiums, the Hancock Tower is complete, and the bell-bottoms that once accented her neighborhood have given way to Calvin Klein and Jordache. A second cop named Schroeder, Walter's brother, has also been killed in the line of duty; two police commissioners and two FBI bureau chiefs have been in and out of office in Boston since she was a legitimate resident here. Even Brandeis has had a change in its administration. Many of her fellow antiwar activists are in the workaday world of three-piece suits, and Kathy may hardly relate to either them or an administration more conservative than the one she skipped out on.

To the Kathy Power of 1981 and to the system that says she offended it in 1970, the last eleven years may be mutually forgettable.

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